

## REMARKS

### Rejection of Claims of Art Grounds in the 01 January 2008 Office Action, and Traversal

#### Thereof

Claims 1-15, 17-32, 34-76, 78-93 and 95-136 stand rejected under 35 U.S.C. 102(b) as being anticipated by Walton et al. (USPN 5,883,639). Claims 18-32, 34-76, 78-93 and 95-136 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Walton et al. (USPN 5,883,639). Claims 16, 33, 77 and 94 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Walton et al. (USPN 5,883,639).

## ARGUMENTS

In the January 10, 2008, Office action, the Examiner responds to the applicant's arguments by pointing out that the cited prior art involves a user using a computer to perform the steps and is thus "computerized." The Examiner points to the following quote from Walton as illustrating why the applicant's argument of computerized steps was not persuasive. The following quote comes from Walton (column 8, lines 44-65):

*"The interface designer next creates and/or modifies the graphical objects in the drawing and behavior editor 110 as desired using the available functions of the graphics editor of the designer's computer system. The resulting objects are then stored as objects in an object-oriented database system and connected to other objects or user code 120 in accordance with techniques commonly used in object-oriented systems."*

The Examiner's position is that the term "computerized" includes user-executed steps as long as the user is generating input for the computer to process. The applicant's use of the term does not

include user-executed steps. Instead, the applicant's use of the term "computerized" is meant to mean computer-executable steps generated by the executable software of a computer program.

The independent claims and dependents are currently amended to replace the term "computerized" with the phrase "computer-executable" steps. These amendments clarify that the computer executable steps of the present invention do not include user-executable steps. As a result, the independent claims and their dependents are distinguishable over the prior art.

As stated in MPEP §2131, a claim is anticipated under §102 only if each and every element as set forth in the claim, in as complete detail is found in a single prior art reference. The cited user-executable steps of Walton are not equivalent to the computer-executable steps of the present invention. Therefore, Walton cannot be properly held to anticipate the independent claims and their dependents as currently amended.

#### The Present Invention Is Not Obvious Over The Cited References

##### KSR Guidelines Applied

(A) Combining prior art elements according to known methods to yield predictable results;

The "combination of old elements" rule is not applicable in the present case. It is not possible to combine the features of Walton with the features of present invention to come up with the present invention. Specifically, the user-executable steps of Walton could not replace the computer-executable steps of the present invention in a way that results in the efficiency of the present invention.

(B) Simple substitution of one known element for another to obtain predictable results;

There is no simple substitution available in the prior art that will predict the results of the applicant's invention. For example, the disclosure of the user-executable steps of Walton only contemplates computer/user interactivity, and does not contemplate the computer-executable steps of the present invention.

(C) Use of a known technique to improve a similar method in a similar way;

The present invention does not use a known technique to improve a similar method in a similar way. The technique of user-executable steps disclosed by Walton cannot be useful in implementing the computer-executable steps of the present invention because the computer-executable steps of the present invention are not available in the Walton invention.

(D) Applying a known technique to a known method ready for improvement to yield predictable results;

The present invention does not use a known technique to improve a method in a similar way. Instead the present invention discloses a novel method that includes computer-executable steps for:

receiving an identification of a data structure with an attribute field in a database of data structures useable to form an object-oriented element from the data structure;

determining whether the data structure is associated with source code;

when it is determined that the data structure is associated with source code, determining whether the attribute field of the data structure is associated with an attribute in the source code; and

when it is determined that the attribute field is not associated with an attribute in the source code, generating a new attribute in the source code from the attribute field;

receiving user input to modify the source code; and

modifying and displaying a graphical representation of the source code to reflect the source code modification.

(E) "Obvious to try" –choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success;

The present invention does not involve choosing from a finite number of identified, predictable solutions with a reasonable expectation of success. The number of ways that computers can be programmed is not definable. Therefore, nothing in the prior art enables a prediction of the computer-executable steps as claimed by the applicant, much less provide a reasonable expectation of success.

(F) Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art;

In this case, variations of the present invention would not have been predictable to one of ordinary skill in the art, much less provide a reasonable expectation of success.

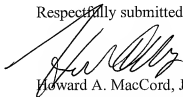
(G) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention.

There is no teaching, suggestion or motivation from the prior art to lead one of ordinary skill to combine prior art reference teachings to arrive at the claimed invention. None of the cited art suggests the applicant's claimed computer-executable steps.

## CONCLUSION

In view of the foregoing amendments and for the above reasons, it is believed that this application is now in condition for allowance. Thus, it is respectfully requested that the claims of the present application be allowed. If unresolved issues remain, the Examiner is invited to telephone applicant's attorney at the number below.

Respectfully submitted,



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